

Climate, Biodiversity & Planning Committee Meeting of Witney Town Council



Tuesday, 13th October, 2020 at 6.00 pm

To members of the Climate, Biodiversity & Planning Committee - R Smith, J Aitman, L Ashbourne, R Bolger, V Gwatkin, M Jones, A McMahan and A Prosser (and all other Town Councillors for information).

You are hereby summonsed to the above meeting to be held in the **Virtual Meeting Room via Zoom** for the transaction of the business stated in the agenda below.

Admission to Meetings

All Council meetings are open to the public and press unless otherwise stated.

Admission to this meeting will be online by virtue of The Local Authorities & Police & Crime Panels (Coronavirus)(Flexibility of Local Authority & Police & Crime Panels Meetings)(England & Wales) Regulations 2020.

Zoom login details of this meeting will be published on the Council's website prior to the meeting.

Recording of Meetings

Under the Openness of Local Government Bodies Regulations 2014 the council's public meetings may be recorded, which includes filming, audio-recording as well as photography.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Town Clerk or Democratic Services Officer know before the start of the meeting.

Agenda

1. Apologies for Absence

To consider apologies and reasons for absence.

Committee Members who are unable to attend the meeting should notify the Democratic Services Officer (nicky.cayley@witney-tc.gov.uk) **prior to the meeting**, stating the reason for absence.

Standing Order 309a)(v) permits the appointment of substitute Councillors to a Committee whose role is to replace ordinary Councillors at a meeting of a Committee if ordinary Councillors of the Committee have informed the Proper Officer **before** the meeting that they are unable to attend.

2. Declarations of Interest

Members are reminded to declare any disclosable pecuniary interests in any of the items under consideration at this meeting in accordance with the Town Council's code of conduct.

3. **Public Participation**

The meeting will adjourn for this item.

Members of the public may speak for a maximum of five minutes each during the period of public participation, in line with Standing Order 42. Matters raised shall relate to the following items on the agenda.

4. **Planning Applications** (Pages 3 - 4)

To receive and consider a schedule of Planning Applications from West Oxfordshire District Council.

5. **Request to Purchase Land** (Pages 5 - 14)

To receive and consider a request to purchase amenity land.

6. **Appeal Notification -4 Birdlip Close** (Pages 15 - 16)

To receive and note an appeal notification for 4 Birdlip Close Witney from West Oxfordshire District Council.

7. **Lake and Country Park Update** (Pages 17 - 26)

To receive and consider the report of the Compliance and Environment Officer

8. **Ministry of Housing, Communities and Local Government - Consultation on Planning for the Future.**

At the last meeting it was agreed to delagate a response for this consultation – minute 311 refers:-

The Committee received and considered the consultation from the Ministry of Housing, Communities and Local Government – Consultation on Planning for the Future.

RESOLVED: *that the consultation be noted and that it be delegated to officers, the Chair and Vice Chair to bring a response to the next meeting.*

In the interim period the Chair and Vice Chair have agreed that the response submitted by WODC is suifficent and that the Town Council therefore does not need to submit a response.



Town Clerk

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4 . 1 **WTC/135/20** Plot Ref :- 20/02066/FUL Type :- FULL
Applicant Name :- EL SHARKAWY, MR MAHMOUD Date Received :- 15/09/2020
Parish :- SOUTH Date Returned :-
Location :- UNIT 1 CRANBROOK Agent
 COURT
 AVENUE 2 STATION
 LANE
 WITNEY
Proposals :- Alterations to include changes to fenestration and doors, provision of first floor to create additional class B8 Business use and installation of internal and external staircases. Conversion of part of ground floor to provide a hot food takeaway (class use A5).
Observations :-

4 . 2 **WTC/136/20** Plot Ref :- 20/02419/HHD Type :- HOUSEHOL
Applicant Name :- COTTSWAY HOUSING Date Received :- 18/09/2020
Parish :- SOUTH Date Returned :-
Location :- 29 HIGHWORTH PLACE Agent
 HIGHWORTH PLACE
 WITNEY
Proposals :- Erection of single storey rear extension.
Observations :-

4 . 3 **WTC/137/20** Plot Ref :- 20/02122/FUL Type :- FULL
Applicant Name :- CARBIDE PROPERTIES Date Received :- 18/09/2020
Parish :- WEST Date Returned :-
Location :- LAND AT WEST WITNEY Agent
 DOWNS ROAD
 WITNEY
Proposals :- Erection of footbridge over internal ditch.
Observations :-

4 . 4 **WTC/138/20** Plot Ref :- 20/01935/FUL Type :- FULL
Applicant Name :- HUGHES, M Date Received :- 18/09/2020
Parish :- CENTRAL Date Returned :-
Location :- 34 FIELDMERE CLOSE Agent
 FIELDMERE CLOSE
 WITNEY

Proposals :- Sub division of existing dwelling to create 2 x 1-bed flats with associated amenity spaces, parking and secure storage.

Observations :-

4.5 **WTC/139/20** Plot Ref :- 20/02443/FUL Type :- FULL
Applicant Name :- WILLIAMS, MRS JOANNE Date Received :- 23/09/2020
Parish :- CENTRAL Date Returned :-
Location :- 12 MARRIOTTS WALK Agent
MARRIOTTS WALK
WITNEY

Proposals :- Change of use of premises from shop to beauty salon.

Observations :-

4.6 **WTC/140/20** Plot Ref :- 20/02258/HHD Type :- HOUSEHOL
Applicant Name :- SUTTON, MRS KATE Date Received :- 24/09/2020
Parish :- CENTRAL Date Returned :-
Location :- 36 SPRINGFIELD OVAL Agent
SPRINGFIELD OVAL
WITNEY

Proposals :- Erection of first floor extension above existing kitchen.

Observations :-

4.7 **WTC/141/20** Plot Ref :- 20/02276/HHD Type :- HOUSEHOL
Applicant Name :- SMITH, MR AND MRS d Date Received :- 28/09/2020
Parish :- SOUTH Date Returned :-
Location :- 4 BURWELL CLOSE Agent
BURWELL CLOSE
WITNEY

Proposals :- Erection of a two storey rear and single storey side extension.

Observations :-

4.8 **WTC/143/20** Plot Ref :- 20/02282/FUL Type :- FULL
Applicant Name :- BERESFORD S & NELLIST, J Date Received :- 01/10/2020
Parish :- CENTRAL Date Returned :-
Location :- ASH CLOSE Agent
GLOUCESTER CLOSE
WITNEY

Proposals :- Construction of detached dwelling and carport.

Observations :-

CLIMATE, BIODIVERSITY & PLANNING

Date: 13th October 2020

Title: Request to Purchase Land at Burwell Close

Contact Officer: Adam Clapton – Office Manager

Background

The Town Council designates this piece of land as ‘amenity land’ and it would have been transferred into its ownership when the estate was built during the 1990’s for this purpose.

The definition of amenity land, as listed on the Planning Portal glossary of terms is:

‘A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.’

Current Situation (provided by the Operations & Estates Officer)

The Operations and Estates Office recently agreed the removal of several trees on this piece of land following complaints from residents. The trees were unsuitable for the location they were planted in which is why the ground still looks uneven due to the tree base that was there and the lack of grass due to where it had limited light due to the previous trees canopy. The grass has now started to regrow in this area since the removal of the tree. The Council replaced the removed trees with some that are more suitable to this location.



The Town Council owned land in this area is marked blue on this map. With the remaining areas still being maintained, the loss of this area would result in a long, dark and narrow passageway between what would be the new fence and the large hedge on private land on the other side.

Environmental impact

- The loss of amenity space/green land in this area.

Risk

While land purchase requests are usually considered on their own case by case basis, the committee should consider any planning obligations, covenants, wishes of neighbouring properties and the potential for further such requests in its decision making.

Financial implications

- The resident is offering to buy the land and cover the costs of the land transfer.
- If the sale were to go ahead, although marginal, there would be a saving on the Grounds Maintenance Contract.

Recommendations

Member are invited to note the report; and,

1. Consider the request for the purchase of land from the Town Council adjacent to 10A Burwell Close, Witney.

Request to Purchase Land at Burwell Close

From: Ben Guy
Sent: 05 October 2020 07:54
To: Sharon Groth
Subject: Possible land purchase

Dear Mrs Groth,

I am writing to enquire as to the possibility of purchasing some council owned land which backs on to my garden, at 10A, Burwell Close, Witney.

I understand that the council has a policy of not selling amenity land, however the land in question is unused by the public and is not in a very good state. It is also recessed beyond the extent of neighbouring gardens, and so I believe that it does not benefit the local community as amenity land.

It would mean an awful lot to me if I were able to purchase the land. And I will of course pay the legal fees, along with a good price for the land in question. It will also relieve the council of the obligation to pay for the upkeep of the area of land.

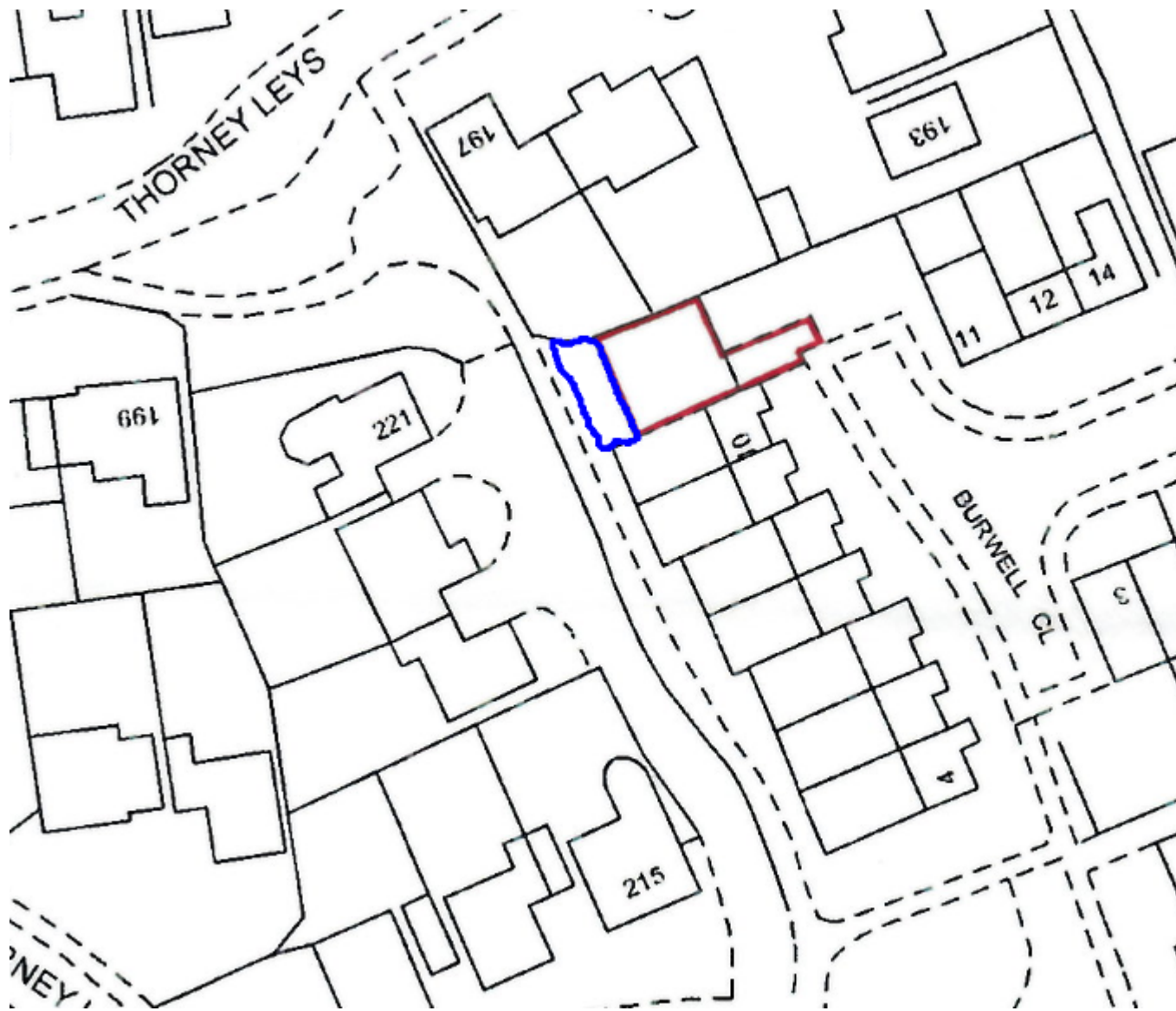
I have attached plans of my house (marked in red), the land in question (marked in blue) and some photos of the land from the nearby alleyway - which shows the recessed nature of the land and the state of upkeep of it.

I recently contacted Cllr David Harvey about this matter, and he suggested that I should send this enquiry on to you, and you may choose to forward it to the Planning Committee.

I would be hugely grateful if you were to consider my offer.

Kind regards,
Ben Guy

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Witney Parish Council

Date: 21st September 2020
Our ref: 20/00023/APPEAL
Please ask for: Chris Wood
Telephone: 01993 861677
Email: chris.wood@publicagroup.uk

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78
Notification of Planning Appeal**

Site Address: 4 Birdlip Close Witney Oxfordshire

Description of Development: Certificate of Lawfulness (erection of fencing)

Original Application Number: 19/03518/CLP

Reasons for not granting a certificate: The reason stated by West Oxfordshire District Council as the Local Planning Authority in its decision not to grant a certificate of lawful proposed development in this case was that on 9th January 2020 the proposed development would NOT have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons:
1 The proposed fencing as shown on Plan 015_100p02 dated December 2019 and received by the Local Planning Authority on 21.12.19, is not considered permitted development under the Town and Country Planning (General Permitted Development)(England) Order 2015 Schedule 2, Part 2, Class A as condition 3 of the reserved matters permission W91/1531 removed permitted development rights for the erection of fences, gates or walls within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which has a frontage onto a road or footpath.

Appellant's name: Mr C Gaden

Appeal Reference: APP/D3125/X/20/3257288

Appeal Start Date: 08.09.2020

I refer to the above details. An appeal has been made to the Secretary of State against the decision of West Oxfordshire District Council to refuse planning permission for the development described.

The appeal will be determined on the basis of **written representations**. The procedure followed is set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the original planning application to the Planning Inspectorate and to the Appellant. These will be considered by the Inspector when determining the appeal, unless they are subsequently withdrawn.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at: <https://acp.planninginspectorate.gov.uk>. You can also do so by contacting the Planning Inspectorate quoting reference number APP/D3125/X/20/3257288:

Via email : teame3@planninginspectorate.gov.uk
In writing (please send 5 copies): Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by the Planning Inspectorate by **20th October 2020**. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you wish to follow the appeal you can do so via the Planning Portal (www.planningportal.gov.uk/pcs) by searching under the appeal reference APP/D3125/X/20/3257288. You can also view the appeal documents on the Council's website at www.westoxon.gov.uk/planning.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Please note that the planning merits of the proposal are not ordinarily an issue in this type of appeal.

Yours sincerely

Chris Wood

Senior Planning Officer (Appeals)
Planning and Strategic Housing

CLIMATE, BIODIVERSITY & PLANNING COMMITTEE

Date: Tuesday 13 October 2020
Title: Lake and Country Park Update
Contact Officer: Compliance and Environment Officer – Angus Whitburn

Background

An agreed action from the last climate, biodiversity & planning meeting was to create management statements for the lake and country park. This would help officers and members understand what was needed to maintain The Lake and Country Park and project it future. The management statements would initially be drawn up with member recommendations for their vision of the country park.

It was also agreed for the estate's team to seek quotes for the required works on the river banks of The River Windrush for the budget setting in November this year.

Current Situation

Management Statements, Ecology Survey

Due to the lack of any historic management documentation for the lake and country park, it creates a difficult situation to start devising any management statement. Although the concept of a management statement is reduced in its content you do still require a certain degree of information regarding plants and habitat's present in the area. For this reason, the Compliance and Environment Officer has approached companies providing Ecology survey's for their professional opinion and to provide quotes for a recommended survey relating to the purposes it is serving.

All three companies advised a Phase 1 ecology survey would be sufficient and provide information on habitats and a species list of plants. It was advised that a Phase 2 study would be an unnecessary expense for Witney Town Council's needs.

To reduce the cost of the surveys the Compliance and Environment officer got companies to quote on the south end of the lake and wet meadow. These are the areas of the park earmarked for biodiversity. To obtain the best results the Phase 1 ecology survey will not be carried out until next year, between May and August. This is when the grass and herbaceous species are in flower.

Riverbank Erosion

The estate's team have been in contact with GeoGrow a company that works on riverbank erosion using their green retaining wall solutions. Unfortunately, due to limited information on the lake and country park, this process may be slow. The survey of the area is free however the formal design process would come in at an estimated cost of between £2,500 - £5,000. Currently, we are waiting on GeoGrow to review the information sent to them and arrange for there engineers to survey the area.

Green Recovery Fund

The Compliance and Environment office communicated with Lucy Kennery form the Lower Windrush Valley Project. On the 29th of September. Lucy wished to include the lake and country park in a funding bid to the green recovery fund. Due to the time constraints on the grant apoplication process, the Town Clerk issued an agreement in principle to include our land in the funding bid. WTC will retain full control of any projects on the lake and country park and can make the decision to pull the Lake and country park out of any projects form the fund.

Environmental impact

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

Risk

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

Financial implications

These are included in the above report. There was a £10,000 budget earmarked several years ago, subject to the previous administration agreeing a management plan for the Lake & Country Park, in order to cover off any expenditure identified by improved maintenance regimes. This earmarked reserve still sits within the Council's general fund.

Recommendations

Members are invited to note the report and consider the following:

1. Agreeing to commission a phase 1 ecology survey for the lake and country park
2. Budget £5000 for the eventuality of the formal design process of the river bank's at the lake and country park.

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